

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on April 6, 2009, and the references cited therewith.

Claim 3 is amended, claims 7, 13, 15-24, and 28 are canceled, and no claims are added; as a result, claims 1-6, 8-12, 14, and 25-27 are now pending in this application.

Examiner Interview

Applicant thanks Examiners Eide and Wilson for the courtesy of a telephone interview conducted on April 30, 2009 with Applicant's representative, Jacob T. Kern. Proposed amendments to independent claims 16 and 21 were discussed in view of the Chishti et al. reference; however, no particular agreement was reached.

§ 112 Rejection of the Claims

Claims 3 and 18 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended claim 3 to more clearly recite the subject matter therein and has canceled claim 18. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 112 rejection of claims 3 and 18.

§103 Rejection of the Claims

Claims 16-21 were rejected under 35 USC § 103(a) as being unpatentable over Chishti et al. (U.S. Patent No. 5,957,893).

In the interest of furthering prosecution of the present application, Applicant has canceled claims 16-21. Accordingly, Applicant respectfully requests withdrawal of the § 103 rejection of claims 16-21. Applicant respectfully reserves the right to prosecute the subject matter recited in claims 16-21 in one or more continuation and/or divisional applications.

Allowable Subject Matter

Applicant notes with appreciation the allowance of claims 1-2, 4-6, 8-12, 14, 25-27.

Claim 3 was indicated to be allowable if rewritten to overcome the rejection(s) under 35 USC § 112, 2nd paragraph set forth in the Office Action. Applicant has amended claim 3 to overcome the § 112 rejection and respectfully submits that claim 3 is now in condition for allowance.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's below listed attorney at (612) 236-0121 to facilitate prosecution of this matter.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AMENDMENT** Commissioner of Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 8 day of May, 2009.

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Respectfully Submitted,
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